

Effective 5/12/2015

26-18-410 Medicaid waiver for children with disabilities and complex medical needs.

- (1) As used in this section:
 - (a) "Complex medical condition" means a physical condition of an individual that:
 - (i) results in severe functional limitations for the individual; and
 - (ii) is likely to:
 - (A) last at least 12 months; or
 - (B) result in death.
 - (b) "Program" means the program for children with complex medical conditions created in Subsection (3).
 - (c) "Qualified child" means a child who:
 - (i) is less than 19 years old;
 - (ii) is diagnosed with a complex medical condition;
 - (iii) has a condition that meets the definition of disability in 42 U.S.C. Sec. 12102; and
 - (iv) meets the additional eligibility criteria determined by the department under Subsection (4).
- (2) The department shall apply, no later than June 30, 2015, for a Medicaid home and community-based waiver with the Centers for Medicare and Medicaid Services within the United States Department of Health and Human Services to implement, within the state Medicaid program, the program described in Subsection (3).
- (3) If the waiver described in Subsection (2) is approved, the department shall offer a program that:
 - (a) as funding permits, provides treatment for qualified children; and
 - (b) accepts applications for the program during periods of open enrollment.
- (4) The department shall:
 - (a) seek to prioritize, in the waiver described in Subsection (2), entrance into the program based on the:
 - (i) complexity of a qualified child's medical condition; and
 - (ii) financial needs of a qualified child and the qualified child's family;
 - (b) convene a public process to determine:
 - (i) the benefits and services to offer a qualified child under the program; and
 - (ii) additional eligibility criteria for a qualified child; and
 - (c) evaluate, on an ongoing basis, the cost and effectiveness of the program.
- (5) The department shall annually report, beginning in 2016, to the Legislature's Health and Human Services Interim Committee before November 30 while the waiver is in effect regarding:
 - (a) the number of qualified children served under the program;
 - (b) the cost of the program; and
 - (c) the effectiveness of the program.

Enacted by Chapter 209, 2015 General Session